UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:18-cr-251-MOC-DCK-1

UNITED STATES OF AMERICA,)	
)	
)	
Vs.)	ORDER
)	
)	
MARCUS ANTONIO DURHAM,)	
)	
Defendant.)	

THIS MATTER is before the Court on Defendant's second pro se Motion for Compassionate Release/Reduction of Sentence. (Doc. No. 57). Defendant is currently incarcerated at FCI Loretto in Loretto, Pennsylvania. The government opposed his initial Motion for Compassionate Release, and less than four months ago, the Court denied that first Motion for Compassionate Release. (See Doc. No. 55).

Defendant's second pro se Motion for Compassionate Release alleges that conditions have changed since submitting that first motion because (1) there is now a COVID-19 outbreak at FCI Loretto and (2) Defendant has tested positive for COVID-19. These changed conditions do not change the Court's analysis of Defendant' situation as set out in its prior order.

Importantly, the Court notes that the mere existence of the COVID-19 pandemic, which poses a general threat to every non-immune person in the country, cannot alone provide a basis for a sentence reduction.

The Court denies this motion for the same reasons that it denied the first Motion for Compassionate Release. (Doc. No. 55).

Having thus considered defendant's motion and reviewed the pleadings, the Court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that Defendant's second Motion for Compassionate Release/Reduction of Sentence, (Doc. No. 57), is **DENIED**.

Signed: January 25, 2021

Max O. Cogburn J.

United States District Judge